

65219-A/JPW/PJP

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A HIGH THROUGHPUT BIOLOGICAL HEART RATE MONITOR THAT IS MOLECULARLY DETERMINED

the specification of which
(check one)

☐ is attached hereto.

☒ was filed on July 3, 2001 as

Application Serial No. 09/898,417

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above:

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)			Priority Claimed	
<u>Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Yes</u>	<u>No</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

I hereby claim the benefit under title 35, United States Code, Section 120 of any United States Application(s) or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
<u>09/875,392</u>	<u>June 6, 2001</u>	<u>Pending</u>

And I hereby appoint

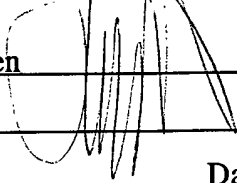
John P. White (Reg. No. 28,768; Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25, 385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); Christopher M. Ries (Reg. No. 45,799) and Frank Bruno (Reg. No. 46,583)

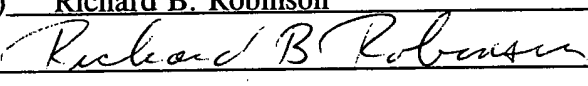
and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036 (Tel. 212 278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to

John P. White Reg. No. 28,678
 Cooper & Dunham LLP
 1185 Avenue of the Americas
 New York, N.Y. 10036
 Tel. (212) 278-0400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first joint inventor Michael R. Rosen
Inventor's signature 
Citizenship U.S.A. Date of signature 10-18-01
Residence 25 East 86th Street, Apt. 14C, New York, New York 10028
Post Office Address same as above

Full name of
Joint Inventor (if any) Richard B. Robinson
Inventor's signature 
Citizenship U.S.A. Date of signature 10/5/01
Residence 67 Roosevelt Street, Cresskill, NJ 07626
Post Office Address same as above

Full name of
Joint Inventor (if any) Ira S. Cohen
Inventor's signature _____
Citizenship _____ Date of signature _____
Residence _____
Post Office Address _____

Full name of
Joint Inventor (if any) Han-Gang Yu
Inventor's signature _____
Citizenship _____ Date of signature _____
Residence _____
Post Office Address _____



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MONITOR THAT IS MOLECULARLY DETERMINED**

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<u>09/875,392</u>	<u>June 6, 2001</u>	<u>Pending</u>

And I hereby appoint

John P. White (Reg. No. 28,768; Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershtik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); Christopher M. Ries (Reg. No. 45,799) and Frank Bruno (Reg. No. 46,583)

and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036 (Tel. 212 278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

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Full name of sole or
first joint inventor Michael R. Rosen

Inventor's signature _____

Citizenship U.S.A. Date of signature _____

Residence 25 East 86th Street, Apt. 14C, New York, New York 10028

Post Office Address same as above

Full name of
Joint Inventor (if any) Richard B. Robinson

Inventor's signature _____

Citizenship _____ Date of signature _____

Residence _____

Post Office Address _____

Full name of
Joint Inventor (if any) Ira S. Cohen

Inventor's signature _____

Citizenship _____ Date of signature _____

Residence _____

Post Office Address _____

Full name of
✓ Joint Inventor (if any) Han-Gang Yu

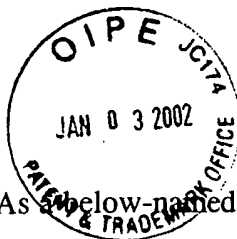
Inventor's signature Hgy Yu

Citizenship P.R. China Date of signature 10/25/01

Residence 15 Hollow Road, Stony Brook, NY 11790

Post Office Address _____

#3



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<u>09/875,392</u>	<u>June 6, 2001</u>	<u>Pending</u>

And I hereby appoint

John P. White (Reg. No. 28,768; Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); Christopher M. Ries (Reg. No. 45,799) and Frank Bruno (Reg. No. 46,583)

and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036 (Tel. 212 278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

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1185 Avenue of the Americas
New York, N.Y. 10036
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Full name of sole or

first joint inventor Michael R. Rosen

Inventor's signature _____

Citizenship U.S.A.

Date of signature _____

Residence 25 East 86th Street, Apt. 14C, New York, New York 10028

Post Office Address same as above

Full name of

Joint Inventor (if any) Richard B. Robinson

Inventor's signature _____

Citizenship _____

Date of signature _____

Residence _____

Post Office Address _____

Full name of

Joint Inventor (if any) Ira S. Cohen

Inventor's signature Ira S. Cohen

Citizenship USA

Date of signature 10/25/01

Residence 23 Hawks Nest Rd.

Post Office Address Stony Brook N.Y. 11790

Full name of

Joint Inventor (if any) Han-Gang Yu

Inventor's signature _____

Citizenship _____

Date of signature _____

Residence _____

Post Office Address _____

Attorney's Docket No. 65219-A/JPW/PJP

Inventor or Patentee: Michael R. Rosen et al.

Application or Patent No.: 09/898,417

Filed or Issued: July 3, 2001

Title of Invention or Patent: A HIGH THROUGHPUT BIOLOGICAL HEART RATE MONITOR THAT IS MOLECULARLY DETERMINED

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK

Address of Organization: 110 Low Memorial Library, West 116th & Broadway
New York, New York 10027

TYPE OF ORGANIZATION:

- ☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3)
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
NAME OF STATE: _____
CITATION OF STATUTE: _____
☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
NAME OF STATE: _____
CITATION OF STATUTE: _____

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e)b for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b), with regard to the invention entitled

**A HIGH THROUGHPUT BIOLOGICAL HEART RATE
MONITOR THAT IS MOLECULARLY DETERMINED**

by inventor(s) Michael R. Rosen, Richard B. Robinson, Ira S. Cohen and Han-Gang Yu
described in:

- ☐ the specification filed herewith
☒ application S.N. 09/898,417 filed July 3, 2001
☐ patent no. issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below^a and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d)b or as a nonprofit organization under 37 C.F.R. §1.9(e)b.

Name: _____

Address: _____

☐ Individual ☐ Small Business Concern ☒ Nonprofit Organization

^a NOTE: Separate verified statements are required for each named person, concern, or organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

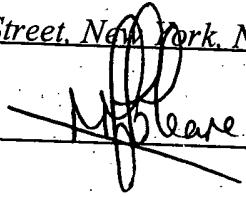
Name of Person Signing: Michael J. Cleare, Ph. D.

Title In Organization: Executive Director

Address: Columbia Innovation Enterprise, Columbia University, Engineering Terrace - Suite 363,

Amsterdam & 120th Street, New York, NY 10027

Signature: _____

A handwritten signature in black ink, appearing to read "Michael J. Cleare", written over a horizontal line.

Date of Signature: _____

10/11/01

Patentee: MichaelPatent No.: 09/898,417Issued: July 3, 2001Title of Invention or Patent A HIGH THROUGHPUT BIOLOGICAL HEART RATE MONITOR THAT IS MOLECULARLY DETERMINED

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORKAddress of Organization: P.O. BOX 9Albany, New York 12201-0009**TYPE OF ORGANIZATION:**

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3)
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

NAME OF STATE:

CITATION OF STATUTE:

- ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

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Name:

Address:

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

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^b See reverse side.

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Name of Person Signing: JOHN S. ROBERTS, Associate Director

Title In Organization: RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK

Address: P.O. Box 9

Albany, New York 12201-0009

Signature: John S. Roberts

Date of Signature: 11/12/01